

UNITED STATES DISTRICT COURT

for the

District of New Mexico

FILEDUnited States District Court
Albuquerque, New Mexico

United States of America

v.

Zachary G. Dosch

Case No.

21-MJ-851

Mitchell R. Elfers
Clerk of Court_____
*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of Nov 20th, 2016 - May 12th, 2021 in the county of Bernalillo in the

District of New Mexico, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. 2252A(a)(2)	Distribution and/or Receipt of Child Pornography
18 U.S.C. 2252A(a)(5)(B)	Possession of Child Pornography

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

☒ Continued on the attached sheet.*Complainant's signature*

Justin Roybal - Special Federal Officer

Printed name and title

Telephonically sworn and electronically signed.

Date: June 17, 2021*Judge's signature*City and state: Albuquerque, New Mexico

Jerry H. Ritter, US Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Justin Roybal, being duly sworn, depose and say:

1. This affidavit is submitted in support of a criminal complaint and arrest warrant charging Zachary Dosch (born in 1999) (“DOSCH”) with violating certain activities relating to material involving the sexual exploitation of minors: 18 U.S.C. § 2252A(a)(2), Distribution and/or Receipt of Child Pornography; and 18 U.S.C. § 2252A(a)(5)(B), Possession of Child Pornography.

2. I have been a law enforcement officer with the Bernalillo County Sheriff's Department since November of 2014 and am currently employed as a Special Federal Officer with the Federal Bureau of Investigation (“FBI”). I am currently assigned to the FBI Albuquerque's Child Exploitation and Human Trafficking Task Force (“CEHTTF”) where I investigate a myriad of federal violations including, violent crimes against children, human trafficking, child pornography, online enticement, and sexual exploitation of children. I have investigated and received on the job training from other experienced agents and officers/detectives in the investigations of federal offenses, to include the sexual exploitation of children.

3. The information in this affidavit is based on my investigation, training and experience, as well as information provided to me by other law enforcement officers and reliable sources. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts which I believe are necessary to establish probable cause to support obtaining a criminal complaint against DOSCH, for violation of 18 U.S.C. § 2252A(a)(2) and 18 U.S.C. § 2252A(a)(5)(B).

RELEVANT LEGAL DEFINITIONS

4. The following terms are relevant to this affidavit in support of this application for an arrest warrant:

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a. *Child Pornography*: The term “child pornography” is defined at 18 U.S.C. § 2256(8). It consists of visual depiction of sexually explicit conduct where (a) the production of the visual depiction involved the use of a minor engaged in sexually explicit conduct, (b) the visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaged in sexually explicit conduct, or (c) the visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaged in sexually explicit conduct), as well as any visual depiction, the production of which involves the use of a minor engaged in sexually explicit conduct. *See* 18 U.S.C. §§ 2252 and 2256(2), (8).

b. *CyberTipline Report (“CyberTip”)*: The National Center for Missing and Exploited Children (“NCMEC”) manages the CyberTipline, which is a centralized reporting system for the online exploitation of children. Members of the general public, as well as electronic service providers, can report suspected child exploitation through the CyberTipline. NCMEC then reviews the information submitted, works to find a potential location for the incident, and forwards the CyberTip to the appropriate law enforcement agency for possible investigation.

c. *Minor*: The term “minor” means any person under the age of eighteen years. *See* 18 U.S.C. § 2256(1).

d. *Sexually Explicit Conduct*: The term “sexually explicit conduct” means actual or simulated (a) sexual intercourse, including genital-genital, oral-genital, or oral-anal, whether between persons of the same or opposite sex; (b) bestiality; (c) masturbation; (d) sadistic or masochistic abuse; or (e) lascivious exhibition of the genitals or pubic area of any persons. *See* 18 U.S.C. § 2256(2).

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SUMMARY OF PROBABLE CAUSE

5. On March 3, 2021, I began investigating a series of CyberTipline Reports (“CyberTips”) that Skype, Discord, and other members of the public had submitted to the National Center for Missing and Exploited Children (“NCMEC”). Discord is a free telecommunications software service that allows users to communicate through voice and video calls, similar to the use of traditional phone systems. Discord allows users to communicate not only through voice calls, but also video chat, text messages, image and file exchanges, video messages, and multi-person conference calls. Skype is a communications application which specializes in providing video chat, voice calls, and instant messaging services. Users may transmit text, video, audio and images.

6. On November 20, 2016, CyberTipline Report 15559514 indicated that Skype user “T [REDACTED]”¹ uploaded apparent child pornography. Skype confirmed that it had viewed the image, titled “[REDACTED]ea848.jpg”² with MD5 hash value “[REDACTED]634b9”. Upon reviewing the image, I confirmed that it was child pornography. It depicted what appeared to be a young male standing nude with his penis exposed. The upper half of his face is obscured, but his overall small size, lack of pubic development, and lack of pubic hair suggest that he is likely between the ages of 7 and 10 years old.

¹ The usernames contained in this affidavit are known to law enforcement but redacted to protect the ongoing criminal investigation.

² The full file titles and hash values contained in this affidavit are known to law enforcement but redacted to protect the minors depicted.

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7. On November 30, 2019, an anonymous Snapchat user reported to NCMEC that he or she had received threats of violence and possible child pornography from a Snapchat user identified as “t[REDACTED]”, the same username as the Skype report on November 20, 2016. Snapchat is a social media application that allows users to share photos, videos, chats, and location with other users. This report is documented in CyberTipline Report #60376493. According to the reporting party, “he [t[REDACTED]] sent my friend child porn and me a picture of a man with a bomb strapped to his chest and a gun and told me he would blow me up.” This same user name was utilized on a Kik profile for user “Zach Dosch.”

8. From October 29, 2019, to May 12, 2021, NCMEC received eight CyberTips associated with Discord user “M[REDACTED] N[REDACTED]”, indicating that the user was uploading apparent child pornography, trading child pornography with other Discord users, and extorting multiple underage females to engage in self harm and to produce child pornography.

9. For example, in CyberTipline Report 66063714, Discord reported on March 18, 2020, at 00:06:36 UTC, that user M[REDACTED] N[REDACTED] #1191 had uploaded a single image on February 25, 2020 at 08:51:01 UTC. Discord reported that it had previously viewed this image, titled “unknown.png” with an MD5 hash value of “[REDACTED]b24a3f”. I reviewed the file and confirmed that it depicted child pornography. More specifically, the file depicts two nude juveniles, at least one of which is male. The male minor is preparing to stimulate the other’s anus with his tongue. Based on his side profile and overall small body size, the minor is likely between the ages of 7–11 years old. The second subject depicted is also small and proportionately similar in size, but additional identifying characteristics are limited. This subject is bending at the waist, but his or her face, hair, or genitalia are not visible. I would estimate the second subject to be between 6–12 years of age. Discord provided the user’s IP

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address as 97.123.73.172, which was registered to CenturyLink in Albuquerque, NM. A subpoena revealed that this IP address returned to what was later determined to be DOSCH's residence.

10. In CyberTipline Report 87083460, submitted on February 27, 2021, Discord reported that a user identified as M [REDACTED] N [REDACTED] #4384 had uploaded numerous files on February 2, 2021, and also provided five (5) chat threads in spreadsheet format. Discord reported that it had previously viewed all of the media files and chat logs. Discord also provided the associated email address for each of M [REDACTED] N [REDACTED]'s accounts. For example, the following two (2) chat threads and their content contain instances of user M [REDACTED] N [REDACTED] #0007 distributing and receiving child pornography as follows:

a. On January 13, 2021, Discord user M [REDACTED] N [REDACTED] #0007 participated in a chat conversation with user D [REDACTED] 8030. During this chat conversation, the two users exchange a total of 71 media files. As these files are exchanged, M [REDACTED] N [REDACTED] boasts that he "extorted a 12 year old," and the two share links containing child pornography. I observed three additional links containing files sent by D [REDACTED] 8030 to M [REDACTED] N [REDACTED]. One of these files, found in the hyperlink ending with "[REDACTED] 7188/unknown.png," depicted a young Asian female touching an adult penis. Based on my training and experience, I estimate the child to be between the age of 3–6 years old, based on body development. The remaining two files, found in the hyperlinks ending with "[REDACTED] 02900/unknown.png" and "[REDACTED] 39488/video0.mov" appeared to be two pre-teen males, both with their penises exposed.

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b. On January 13, 2021, Discord user M[REDACTED] N[REDACTED] #0007 participated in a chat conversation with user G[REDACTED] #5497. During this conversation, M[REDACTED] N[REDACTED] discusses and exchanges sexual images of children. During this chat, M[REDACTED] N[REDACTED] shares an additional video depicting a small goat stimulating an African American toddler's penis with its mouth.

11. Other CyberTipline Reports submitted this timeframe identified an IP address of 75.161.143.23 as belonging to user M[REDACTED] N[REDACTED]. A subpoena submitted to Century Link revealed that the IP address was registered to DOSCH's residence from January 12, 2021 to February 10, 2021, encompassing the time of the chats described above.

12. Law enforcement surveillance in May and June 2021 confirmed that DOSCH resided at the address where the relevant IP addresses were registered.

13. On June 17, 2021, law enforcement executed a search warrant at DOSCH's residence on Bermuda Dr NE, in Albuquerque New Mexico. As announcements were being made, DOSCH exited the residence. At the scene, DOSCH was read his Miranda Rights, to which he acknowledged he understood and agreed to speak with me further. He confirmed that his name was Zachary DOSCH and that his year of birth was 1999. According to DOSCH, he and his mother have lived at the described address since he was born. He advised that he was currently unemployed and enjoyed playing video games on the Dell Alienware PC in his bedroom. When asked if he operated any social media accounts, DOSCH confirmed that he operated such accounts as Facebook and most notably, Snapchat and Discord. DOSCH confirmed and provided the usernames for his Snapchat (T[REDACTED]) and Discord (M[REDACTED] N[REDACTED]) accounts, the same usernames associated with the CyberTips described above.

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14. DOSCH initially denied having any knowledge of why the FBI would be executing a search warrant at his residence. He also denied any involvement in the exchange of child abuse material online but did note that he has witnessed people being “exploited” on Discord.

15. During a second interview at the FBI office at 4200 Lueking Park Ave NE, DOSCH admitted he had downloaded and sent child pornography simply for “shock value.” DOSCH said his alias or username on Discord was M[REDACTED]N[REDACTED] followed by a series of numbers. DOSCH has had multiple Discord accounts under the name M[REDACTED]N[REDACTED] with different numbers assigned by Discord. He described being banned on approximately “60” different occasions and creating a new M[REDACTED]N[REDACTED] each time. DOSCH added that he did not know of any other user who went by the alias M[REDACTED]N[REDACTED].

16. As the interview continued, DOSCH confirmed that “D[REDACTED]8030” was a friend of his and someone with whom he’s chatted with on Discord. DOSCH described D[REDACTED] as an active user. DOSCH said he exchanged both images and videos from D[REDACTED], which DOSCH suspected were child pornography. This further confirms that DOSCH received the previously described images including the images of the young Asian female, and two pre-teen males contained in Cybtertip #87083460 and described above.

17. DOSCH also described username G[REDACTED] as a user from Sweden with the first name A[REDACTED] who is DOSCH’s friend, or someone with whom he communicates every once in a while. DOSCH has known G[REDACTED] for some time and they play games together. DOSCH was shown the previously described image from Cybertipline Report 66063714 of a minor licking the anus of another minor. DOSCH said he had copied the link from

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D [REDACTED] or another user "H [REDACTED]." DOSCH advised that he "could have sent it, probably sent it, to be honest and sent it for shock value only."

18. Based on my training and experience, I believe the material possessed, received, and distributed depicts sexually explicit conduct, defined as actual or simulated sexual intercourse, including genital-genital, oral-genital, or oral-anal, whether between persons of the same or opposite sex.

Interstate Nexus

19. I believe the element of "in or affecting interstate or foreign commerce" is satisfied for a violation of 18 U.S.C. §§ 2252 and 2252A, because Discord is a company headquartered in California and any electronic devices used in the commission of these offenses were not manufactured in the State of New Mexico. .

Conclusion

20. Based on the above information, I believe that there is probable cause to believe that DOSCH violated 18 U.S.C. § 2252A(a)(2) and 18 U.S.C. § 2252A(a)(5)(B), by knowingly possessing, receiving and distributing child pornography.

21. This affidavit has been reviewed by Assistant United States Attorney Sarah Mease.

22. I declare that the foregoing is true and correct to the best of my knowledge.


Justin Roybal
FBI Special Agent

Electronically Submitted and Telephonically Sworn on June 17, 2021:


HONORABLE JERRY H. RITTER
U.S. Magistrate Judge